HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.17285 of 1999

Dated 16th Day of April, 2007

Between:

S. Laxmana Rao and 15 others .. Petitioners

And

The Mandal Revenue Officer,
Karimnagar Mandal, Karimnagar District
and another .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in issuing Show Cause Notices dated 8.12.1998 to the petitioners, as arbitrary, illegal and contrary to Laoni Rules, 1950 and consequently set aside the notices.

The brief facts of the case are that the petitioners are the legal representatives of the assignees of the Government land of an extent of Ac.00.13 guntas each in S.No.622 situated in Bancharai, Karimnagar District. The District Collector, by his Proceedings dated 31.1.1955, assigned the lands in question. Now, the grievance nurtured by the petitioners is that the 1st respondent-Mandal Revenue Officer issued the Show Cause Notices, dated 8.12.1998 calling for their explanation as to why the assignments shall not be cancelled on the ground that they have not bought the lands in question under cultivation.

In spite of the fact that notices are served on the respondents, they have not chosen to file counter affidavit.

The learned counsel for the petitioners has drawn my attention to Rule No.19 of Laoni Rules, 1950, dated 16.11.1950 made under Section 172 of the A.P. (Telangana Area) Land Revenue Act, 1317 F, which reads as follows:

> *"The allottee of the land shall prepare the land for cultivation within three years of being placed in possession and commence cultivation of the land thereafter. The pattadar may be rejected by the order of the Collector for breach of any of the above conditions."*

and contended that it is only the Collector, who can issue a notice or pass orders cancelling the assignment and the 1st respondent-Mandal Revenue Officer has no jurisdiction whatsoever.

As stated above, as the respondents have not filed any counter affidavit, there is no option but to accept the contention of the learned counsel for the petitioners.

In the result, the writ petition is allowed and the Show Cause Notices dated 8.12.1998 issued by the 1st respondent are hereby set aside. However, this order does not preclude the competent authority i.e. the District Collector from issuing notices to the petitioners and passing appropriate orders. No costs.

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16.04.2007

bcj